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7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-625

13 **DEEPA THOMAS**
14 **13051 Ramona Ave. #71**
Chino, CA 91710
15 **Registered Nurse No. 722609**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

16 Respondent.
17

18
19 **FINDINGS OF FACT**

20 1. On or about January 13, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, filed Accusation
22 No. 2011-625 against Deepa Thomas (Respondent) before the Board. (Accusation attached as
23 Exhibit A.)

24 2. On or about March 12, 2008, the Board issued Registered Nurse No. 722609 to
25 Respondent. The Registered Nurse was in full force and effect at all times relevant to the charges
26 brought herein and will expire on September 30, 2011, unless renewed.

27 3. On or about January 14, 2011, Respondent was served by Certified Mail copies of the
28 Accusation No. 2011-625, Statement to Respondent, Notice of Defense, Request for Discovery,

1 and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
2 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
3 section 1409.1, is required to be reported and maintained with the Board, which was and is:

4 13051 Ramona Ave. #71
5 Chino, CA 91710.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
8 124.

9 5. On or about January 28, 2011, the aforementioned documents were returned by the
10 U.S. Postal Service marked "Unclaimed."

11 6. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts
14 of the accusation not expressly admitted. Failure to file a notice of defense shall
15 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
16 may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
18 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
19 625.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at the
22 hearing, the agency may take action based upon the respondent's express admissions
23 or upon other evidence and affidavits may be used as evidence without any notice to
24 respondent.

25 9. Pursuant to its authority under Government Code section 11520, the Board that
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 2011-625, finds
that the charges and allegations in Accusation No. 2011-625, are separately and severally, found
to be true and correct by clear and convincing evidence.

1 10. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$1692.50, as of March 15, 2011.

4 **DETERMINATION OF ISSUES**

5 1. Based on the foregoing findings of fact, Respondent Deepa Thomas has subjected her
6 Registered Nurse License No. 722609 to discipline.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Board is authorized to revoke Respondent's Registered Nurse based upon the
9 following violations alleged in the Accusation which are supported by the evidence contained in
10 the Default Decision Evidence Packet in this case:

11 a. Business and Professions Code section 2761 (a)(4), for prior out of state discipline by
12 the New Jersey Board of Nursing in 2008;

13 b. Business and Professions Code section 2761 (e), for making a false statement in a
14 application for licensure with the California Board of Registered Nursing in 2009;

15 c. California Code of Regulation section 1409.1, for failing to keep accurate and
16 updated address records with the California Board of Registered Nursing in 2010;
17 and

18 d. Business and Professions Code section 2761 (a), for committing acts constituting
19 unprofessional conduct.

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ORDER

IT IS SO ORDERED that Registered Nurse No. 722609, heretofore issued to Respondent Deepa Thomas, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 6, 2011.

It is so ORDERED June 6, 2011

Jeannine K. Reeves

For the Board of Registered Nursing

LA2010601333

Attachment:
Exhibit A: Accusation

RECEIVED
JUN 13 2011
OFFICE OF THE
ATTORNEY GENERAL

Exhibit A

Accusation No. 2011-625

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RECEIVED

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10 In the Matter of the Accusation Against:

Case No. *2011-625*

11 **DEEPA THOMAS**
12 **13051 Ramona Ave. # 71**
13 **Chino, CA 91710**

ACCUSATION

14 **Registered Nurse License No. 722609**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about March 12, 2008, the Board issued Registered Nurse License Number
24 722609 to Deepa Thomas ("Respondent"). The registered nurse license was in full force and
25 effect at all times relevant to the charges brought herein and will expire on September 30, 2011,
26 unless renewed.

27 ///

28 ///

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 118 provides, in pertinent part, that the withdrawal of an application for a license after it has been filed with a board . . . shall not deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any ground.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

.

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action. . . .

(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license.

7. California Code of Regulations, section 1409.1 states, in pertinent part:

Each person holding a certificate, license or any other authority to practice nursing or engage in any activity under any laws administered by the board shall file his/her current name and mailing address with the board at its office in Sacramento within thirty (30) days after any change of name or mailing address, giving both old and new name, and address, as appropriate.

1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Disciplinary Action by the New Jersey State Board of Nursing)**

8 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
9 on the grounds of unprofessional conduct, in that she was disciplined by the New Jersey State
10 Board of Nursing ("New Jersey Board"), as follows:

11 10. On or about September 16, 2008, pursuant to a Final Order, in the disciplinary matter
12 entitled *In the Matter of the License of Deepa Thomas, R.N. License NR12883700*, the New
13 Jersey Board issued a SUSPENSION on Respondent's nursing license.

14 11. The New Jersey Board based its action on the following facts:

- 15 a. In 2007, the New Jersey Board received a complaint filed against Respondent.
16 b. On or about October 30, 2007, as part of its investigation into the complaint, the New
17 Jersey Board wrote to Respondent with an inquiry in connection with the complaint.
18 c. The New Jersey Board wrote to Respondent at her address of record by certified and
19 regular mail. The Certified mail was signed for. Regular mail was not returned to the
20 New Jersey Board. No response from Respondent was received by the New Jersey Board.

21
22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Making or Giving False Statement in Application for Licensure)**

24 12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (e), on
25 the grounds of unprofessional conduct, in that she made a false statement in a Application for
26 Licensure, as follows:

27 13. On or about July 20, 2009, Respondent submitted a License Renewal Application
28 with the California Board of Registered Nursing ("Board").

1 14. In the Renewal Application, Respondent was asked the following question:
2 "Since you last renewed your license, have you had a license disciplined by a government agency
3 or other disciplinary body?".

4 15. On the Renewal Application, Respondent indicated a response of "NO" to the
5 question regarding prior license discipline.

6 16. At the time that Respondent made the negative response to the question, she had
7 already been subject to license discipline in 2008 as described in paragraphs 9 through 11.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Failure to Update Board Records with Current Address)**

10 17. Respondent is subject to discipline pursuant to California Code of Regulations section
11 1409.1, in that she failed to keep accurate and updated address records with the Board, as follows:

12 18. On or about October 2010, the Board received information from the New Jersey
13 Board that Respondent was subject to license discipline.

14 19. On or about October 29, 2010, the Board sent a letter to Respondent at her address of
15 record on file. The letter referenced the prior discipline from New Jersey and requested
16 respondent to provide information explaining the circumstances of the discipline. It also
17 requested an explanation as to why she had not disclosed it on her license renewal application in
18 2009.

19 20. On or about November 4, 2010, the letter sent to Respondent was received by the
20 Board, with a "Return to Sender – Unable to Forward" label attached.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct)**

23 21. Respondent is subject to discipline under Code section 2761, subdivision (a), on the
24 grounds of unprofessional conduct, in that Respondent committed acts constituting unprofessional
25 conduct, as more particularly set forth in paragraphs 9 through 20, above.

26 **PRAYER**

27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
28 and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 722609, issued to Deepa Thomas;
2. Ordering Deepa Thomas, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED:

January 13, 2011

for *Samuel Bailey*

LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2010601333